A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, February 3, 2014, AT 5:30 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR

BY Paige Rice

SECOND FLOOR CONFERENCE ROOM – February 3, 2014

Council met in special session on this date with the following members present: Mr. Huja, Ms. Smith, Ms. Galvin, Ms. Szakos, Mr. Fenwick.

On motion by Ms. Smith, seconded by Mr. Fenwick, Council voted, (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos; Noes: None), to meet in closed session for discussion and consideration of prospective candidates for (1) Discussion and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Consultation with legal counsel for legal advice regarding the negotiation of the terms and conditions of a cost sharing agreement with the Albemarle County Service Authority for the costs of the Rivanna Pump Station and other capital wastewater projects, as authorized by Va. Code sec. 2.2-3711 (A) (7); and, (3) Discussion of the disposition of City-owned real property in Albemarle County on Pen Park Lane, where discussion in an open meeting would adversely affect the City's negotiating strategy, as authorized by Va. Code sec. 2.2-3711 (A) (3).

On motion by Ms. Smith, seconded by Mr. Fenwick, Council certified by the following vote (Ayes: Mr. Huja, Ms. Galvin, Mr. Fenwick, Ms. Smith; Noes: None; Absent at time of vote: Ms. Szakos), that to the best of each Council Member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed or considered in the closed session.

COUNCIL CHAMBERS - February 3, 2014

CALL TO ORDER

Council met in regular session on this date with the following members present: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Galvin, Ms. Smith.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Ms. Smith announced the budget survey online at <u>www.charlottesville.org/budgetsurvey</u>, or you may contact the City Manager's office for a paper copy. Call 970-3031 for more information.

Ms. Galvin announced the second West Main Street public meeting on Saturday, February 22 from 10:00 a.m. – 1:00 p.m. at the Carver Recreation Center. Go to <u>www.gowestmain.com</u> for more information. She also announced the Oliver Shultz presentation on International Urban and Streetscape design on February 21 at 6:00 p.m. in the McIntire Room at the Central Library.

Ms. Galvin announced the Plugged In Virginia (PIVA) program began on January 6 and has been successful. Contact Hollie Lee at 970-3117 for more information.

Ms. Szakos announced the Heritage Air Force Brass Band will perform on February 11 at the Carver Recreation Center.

Ms. Szakos read a proclamation in honor of the Senior Center National Accreditation, which will be presented to them at their event on February 14. Mr. Peter Thompson, Executive Director of the Senior Center, accepted the proclamation on behalf of the Board of Directors and staff.

Mr. Huja announced City offices will be closed February 17 for President's Day. The City Council meeting will take place on Tuesday, February 18. Transportation, trash and recycle services will take place normally.

MATTERS BY THE PUBLIC

Ms. Kathy Welch, Rio District, 2924 Idlewood Dr., said we are lucky to have the CAT staff in place; the changes have been impressive. She believes we can work across regional lines towards a highly effective transportation system.

Mr. Brandon Collins, 418 Fairway Ave., welcomed Mr. Fenwick to Council. He said the time is not right to include the Strategic Investment Area in Charlottesville's Comprehensive Plan. There is little attention to affordable housing, and it deconcentrates poverty instead of addressing poverty.

Ms. Mo Nichols, 2315 Cresmont Ave., said the Strategic Investment Area will change the tone of West Main Street and will not provide affordable housing. She is glad it will consider daylighting streams and greenspace, but deconcentration of poverty is not the well-meaning action it sounds to be.

Mr. Jim Hingeley, Public Defender for Charlottesville and Albemarle County, 719 Graves St., asked for City Council's support of the Pay Equity Proposal for Public Defenders. Public Defenders are critical to our criminal justice system. The requested amount is just under \$79,000. Prosecutors make more than defenders; he asked Council to remedy this disparity. Mr. Luis Shultz, 1809 E. Market Street, said this is the ninth time he has appeared before Council about his concerns regarding Steephill Street. He made a list of requests.

Mr. Walt Heineke, 1521 Amherst St., said he is concerned about the impact of gentrification on our community. There are many people living near low income neighborhoods dependent on rental incomes whose well-being will be affected by massive developments around West Main and other places. He asked Council to consider the unintended consequences of policies and examine developments' impacts on diversity.

Mr. Blair Hawkins, 614 Rockcreek Rd., said there seems to be two parts to the Strategic Investment Area. He said this was previously known as the Garrett Neighborhood, and he said it is worse than Vinegar Hill. He said surplus land should be sold at auction for tax revenue.

Mr. Paul Wright, 612 Preston Place, asked Council to support the MPO vote for the 29 Bypass. Facts have been misapplied in the past, and the City will benefit from the project. He said pollution in the Charlottesville/Albemarle area has been reduced by 30%, and the many studies claiming the project will cause environmental damage have no merit. Many existing projects would be in danger if we turn back the bypass project.

Ms. Nakyah Walker, City resident, said she is here to comment on the Strategic Investment Area, especially its impact on Friendship Court. She said many residents were not aware of the public meetings. She asked the City to define what "affordable" means. She asked if the residents at Friendship Court would be displaced.

Ms. Shalanda Green, 420 Garrett Street, said she supports the comments Ms. Walker made. She said she and her neighbors need to prepare for the future and do not need more coffee shops or boutiques.

Mr. Winston Greenhow, 207 Ridge St., said he is trying to develop a home for men coming home from prison. He asked what steps he needs to take to make this happen in the City.

COUNCIL RESPONSE

Mr. Huja referred Ms. Green and Ms. Walker to the Piedmont Housing Alliance.

Ms. Szakos said we are discussing the SIA on the agenda and asked the interested parties to stay. She said she saw Ms. Welch's husband on the bus, and she is delighted at the Board of Supervisors' interest in investing in transit. We are looking forward to working with them to make the system stronger and expand the investment. She said she is supportive of Mr. Hingeley's request. She said the prosecutors in the County make more than the prosecutors in the City, so the numbers should be equitable. She supported the projects on West Main Street for the very reason Mr. Heineke mentioned; affordable housing has been crowded out, and he is creating it by offering his basement for rent. She told Mr. Wright that the ACBOS are committed to public engagement with the bypass project before it comes back to the MPO. She encouraged him to participate.

She told Mr. Greenhow that Mr. Tolbert is indeed the proper person to speak with regarding his project. Mr. Jones said staff is open to conversations about this sort of project.

Ms. Smith said there was a lot of community engagement during the SIA development process, but we needed more time after the full report came out. She said she liked Mr. Heineke's suggestion that we add an impact statement regarding the environment or diversity where applicable. She said she supports the pay equity for public defenders proposal.

Ms. Galvin thanked Ms. Welch for her positive comments about our incredible CAT team. She said she would like to connect with Ms. Green, and she said she plans to attend the projects subcommittee meeting at the PHA board on February 18 to talk about the Growing Opportunity Report and the Strategic Investment Area. She said we are committed to one-to-one replacement for housing at Friendship Court. She told Mr. Greenhow to talk to Mike Murphy as well and requested a group meeting with staff and Mr. Greenhow.

Mr. Fenwick said Ms. Welch is right that CAT is offering great new service. He said he supports the public defender equal pay proposal, which serves people who cannot serve themselves. He said citizens should be skeptical about the promises they hear regarding SIA, because there are no guarantees they will be kept. He wished Mr. Greenhow success on his project. He asked the community for ideas for what the Council can do to raise money or save revenue this budget season.

On motion by Ms. Smith, seconded by Mr. Fenwick, the following appointments were made to Boards & Commissions: to the Building Code Board of Appeals: Mr. Weems, Mr. Lewis, Mr. Barnhardt; to the Housing Advisory Committee: Mr. Schuler (at-large position); to the Human Rights Committee, Ms. Shepard; to the LEAP Advisory Board, Ms. Smith. (Ayes: Ms. Smith, Mr. Fenwick, Mr. Huja, Ms. Szakos, Ms. Galvin; Noes: None.)

CONSENT AGENDA

a. Minutes for January 22

b. APPROPRIATION: BAMA Works Fund Check and Connect Grant - \$10,000 (2nd reading)

BAMA Works Fund Check and Connect Grant

c. APPROPRIATION: FY 2014 Aid & Localities Fire Disbursement Fund - \$122,138 (2nd reading)

FY 2014 Aid & Localities Fire Disbursement Fund

d. APPROPRIATION: Appropriation of FY 2014 Transit Grants - \$213,693 (2nd reading)

Appropriation of FY 2014 Transit Grants

- e. APPROPRIATION: Safe Routes Grant for Clark Pedestrian Improvements -\$174,800 (2nd reading)
- Safe Routes Grant for Clark Pedestrian Improvements
- f. APPROPRIATION: HVAC Replacement at Gordon Avenue Library and Health Department \$90,000 (carried)

HVAC Replacement at Gordon Avenue Library and Health Department

g. APPROPRIATION: City of Promise Reimbursement from Children, Youth & Family Services, Inc. - \$10,000 (carried)

City of Promise Reimbursement from Children, Youth & Family Services, Inc. - \$10,000

h. APPROPRIATION: Asset Forfeiture Funds for Regional Firearms Range -\$971,167 (carried)

Asset Forfeiture Funds for Regional Firearms Range

i. RESOLUTION: Transfer of Funds for Stormwater Utility Fee Incentives - \$16,000

Transfer of Funds for Stormwater Utility Fee Incentives

j. RESOLUTION: Amendment to Lease Agreement with Visitors Center for Transit Center space

Amendment to Lease Agreement with Visitors Center for Transit Center space

k. RESOLUTION: City Entry for Georgetown University Energy Prize Competition

City Entry for Georgetown University Energy Prize Competition

1. ORDINANCE: Revise Neighborhood Development Services (NDS) Fee Schedule (2nd reading)

Revise Neighborhood Development Services (NDS) Fee Schedule

- m. ORDINANCE: Amend Café and Vendor Fees and Regulations (2nd reading)
- n. ORDINANCE: Easement to Dominion VA Power at Public Works Center on Avon

Street (2nd reading)

Easement to Dominion VA Power at Public Works Center on Avon Street

Ms. Smith asked if there are only two tenants in the Transit Center. Staff confirmed this. She said she thought it was interesting that the City does not use any of the space in this City-owned building for their own needs.

She asked if cafe vendor fees could be reassessed in the next 10 months to see if any of the unintended consequences people brought up play out. Ms. Szakos seconded this amendment to the resolution.

The consent agenda passed unanimously. (Ayes: Ms. Smith, Mr. Fenwick, Mr. Huja, Ms. Szakos, Ms. Galvin; Noes: None.)

RESOLUTION: Comprehensive Plan Amendment - Strategic Investment Area Plan

Comprehensive Plan Amendment - Strategic Investment Area Plan

Mr. Tolbert presented to Council. He gave an overview and history of the project. He reviewed the charge developed by the Steering Committee and followed by the consulting team, Cunningham Quill Architects. He said adding this to the appendix for the Comprehensive Plan enables staff to work more easily with developers within the City's land use and investment goals.

Ms. Smith said if there is a conflict, the SIA plan will trump the Comprehensive Plan. She said that concerns her, because we had broader public input for the Comprehensive Plan, and she would rather it be the other way around.

Ms. Galvin suggested that if a conflict arises, it be brought before the Planning Commission and Council. Ms. Smith agreed to that solution.

Ms. Smith said she wants to remove the language "without limitation" to the resolution and remove the parenthesis. She said what we are approving concerns her overall. She asked if we are approving goals or objectives. Mr. Tolbert said we are approving the plan in its entirety.

Ms. Szakos clarified that if there is private property in the SIA, this does not keep people from building on their own property. Mr. Tolbert says this provides guidelines for what we might want to consider in the future. Ms. Szakos asked if what we do tonight will sell public land for private development. Mr. Tolbert said absolutely not.

Mr. Fenwick said he is concerned that people from the community were not involved with the process. He said staff has spent a lot of time on this project, so it has already cost money.

Mr. Tolbert gave a history of the public open houses and discussions in the neighboring areas.

Mr. Fenwick said he is skeptical of the many projects the City is investing in, and with City staff currently being tasked with rewriting code, this is backwards.

Ms. Szakos said she has the opposite take on it. This is proactive and examines planning ahead of time so we know what we want when projects come through in the future.

Ms. Galvin said she is a stickler about public engagement, and she commended staff for the excellent job they did with working with the public. She asked to add an ongoing citizen steering committee to the resolution.

Ms. Smith asked if the phasing was binding. Mr. Tolbert said these are just suggestions and are not binding. Staff will come back to Council when these decisions need to be made.

Ms. Szakos addressed Ms. Nichols and Mr. Collins and said it is important that we pay attention to the neighborhoods and do not rip them apart. However, many of the concentrated poverty areas we have are a result of racism, and we cannot force people to continue living on the same block just because that is the way it has always been. Decentralization is not a cure for poverty; we have to do more to help people move out of poverty.

Mr. Fenwick confirmed that this does not spend any money aside from staff time.

Mr. Huja said he supported adopting this amendment to the Comprehensive Plan because of its positive effects on our City.

Ms. Smith moved, and Ms. Szakos seconded. She asked to add wording to the resolution indicating flexibility. Specifically, she requested adding to the second paragraph that the SIA is a "flexible guide, without being binding". Ms. Smith accepted the amendments. The resolution passed. (Ayes: Ms. Smith, Mr. Huja, Ms. Szakos, Ms. Galvin; Noes: Mr. Fenwick.)

<u>RESOLUTION:</u> Adoption of Policy and Transfer of Funds for Context Sensitive Street <u>Design - \$50,000</u>

Adoption of Policy and Transfer of Funds for Context Sensitive Street Design

Mr. Tolbert presented to Council. This will help us look at how traffic moves and how we deal with it holistically in our community. This will also examine it in context with land use patterns and what they are projected to be so we can anticipate impacts.

Mr. Tolbert said the amount of money suggested is vastly less than what was proposed in December, bringing much of the work in-house and tying it into existing projects. Also, Council was concerned about creating another advisory committee. Therefore, instead the PLACE Committee formed several subcommittees in January, which will be supplemented with staff, citizens, and experts as needed.

This resolution will adopt the Context Sensitive Street Design policy, allocate the necessary resources, and amend the Complete Streets policy.

Mr. Fenwick asked if the \$50,000 was for consultants or experts. Mr. Tolbert said this would be to cover consultant fees on an as-needed basis. Mr. Fenwick asked why this project could not be completed entirely by staff. Mr. Tolbert said he has complete confidence in his staff, but there are some small areas of expertise that they do not have on their staff. Mr. Fenwick said he has total confidence in staff to do this without spending money on consultants.

Ms. Galvin said she is in complete support of this plan. She said there have been opportunities to make code changes in the past, but it has not happened. She is not convinced that we have the staff power to do so. The implementation process is fundamental.

Mr. Fenwick asked if the money was coming from the contingency fund. Mr. Tolbert said it is. Mr. Fenwick asked if this would impact potential funding for fixes on Old Lynchburg Road. Mr. Tolbert said there is still plenty of money in the account. Mr. Fenwick asked where the money for brick repairs on the Downtown Mall would come from. Mr. Tolbert said this would also come from contingency fund.

Mr. Huja said this is a well-thought out plan and moves us in the right direction, and he supports it.

Mr. Tolbert clarified what exactly was being voted on for Ms. Smith; he confirmed the resolution approves examining our approach using the referenced manuals as tools to develop street guidelines for the City.

Ms. Galvin asked for the first paragraph on page 5 be deleted and replaced with language creating an advisory group, including three items: policy and regulatory audit, a comprehensive multi-modal plan, and a green infrastructure plan.

Ms. Smith said she is concerned that the PLACE Design Task Force is involved in several projects, and she asked if we are getting the diversity we need. Mr. Tolbert said staff can recommend people for each category to ensure we are being inclusive. Ms. Szakos suggested adding language indicating that the task force would aid staff in the development with the assistance of an outside consultant. Mr. Huja said staff does not need to seek Council approval for the task forces. Ms. Szakos said Council does not have to approve the task force, but staff should report back to Council and give an opportunity for feedback.

The three categories Ms. Galvin recommended were accepted.

Ms. Galvin suggested an amendment to remove "by the spring of 2015" from the paragraph regarding implementation, and she recommended including "Comprehensive Stormwater/Green Infrastructure Plan". Council agreed.

Ms. Galvin asked staff to come back if the \$50,000 requested is not sufficient.

Ms. Galvin asked for #3 of the Complete Streets Policy to be revised to say "Keep the street pavement widths to the minimum necessary to ensure pedestrian safety and comfort, including but not limited to ample sidewalk widths free of obstructions, street trees planted in accordance with best practices, well-positioned and sized street lamps, and clearly identified crossings." Mr. Tolbert said you do not want to overdesign travel lanes for the automobiles. Ms. Szakos said we can simply state that automobile travel lanes will be kept to the minimum widths necessary. Ms. Galvin agreed.

Ms. Galvin asked to add "provide bicycle accommodation either along or parallel to all arterial and collector streets" to #5. Ms. Szakos agreed.

Ms. Galvin asked to revise #6 to say "Plant trees along all streets be they newly constructed, reconstructed, or relocated, using a variety of strategies as necessitated by existing physical conditions and in accordance with the guidelines from the Tree Commission." Council agreed.

Ms. Galvin asked that #7 include the Director of Stormwater Utility and the Urban Designer. Ms. Galvin said she is willing to give up "approval by Council" if this gets additional staff review. Mr. Jones said staff will run all major decisions by Council so they are kept informed. Council agreed.

Ms. Galvin requested adding "apprise the office of economic development on street design relative to redevelopment" to the list of actions the City will take in support of the Complete Streets Policy. She also requested adding the words "and map" to letters a-d under bullet seven. She requested adding "and increases in numbers of people cycling to work" to letter a, adding "by type of street and increases in numbers of people walking to work" to letter b, and adding "e. Resident satisfaction as measured by surveys, correspondence, etc." under bullet eight. She also requested adding update the street design guidelines "as necessitated by comprehensive plan updates" to the final bullet. Council agreed with these changes. Ms. Galvin made further suggestions to staff regarding the implementation policy. Staff said they will implement the changes and send a final copy to Council.

Ms. Szakos asked to add public engagement for all tasks in June 2015.

On motion by Ms. Galvin, seconded by Mr. Huja, the resolution was moved as amended. Ms. Smith requested adding "Transit Riders" and "Water Resources Protection Program Advisory Group" to Task 5 under Stakeholder Review Meetings. Ms. Galvin accepted the amendment. The resolution passed. (Ayes: Ms. Smith, Mr. Huja, Ms. Szakos, Ms. Galvin; Noes: Mr. Fenwick.)

ORDINANCE: Water Street Planned Unit Development (PUD) Rezoning (carried)

Water Street Planned Unit Development (PUD) Rezoning

Mr. Mike Smith presented to Council. He gave an overview of the project and addressed concerns Councilors noted during the Planning Commission meeting.

The applicant, Mr. Alan Taylor with Riverbend Development, presented their revisions to Council. Mr. Scott Collins, Civil Engineer, showed where the project was revised to add 15 feet around the coal tower area.

Mr. Fenwick asked how much the units would go for on average. The applicant said they anticipate they will go for \$600,000-\$800,000 on average, but they are just the developers and do not currently have home builders.

Ms. Szakos said not much could be done about the sidewalk having no buffer from the road. She asked for a flashing crosswalk at the coal tower to facilitate pedestrian travel. Mr. Taylor said they would be happy to add this. She said she appreciated their attention to accessibility options in spite of the tricky topography.

Ms. Smith asked how we know what will be built here. Staff explained the design guidelines that are part of the project.

Ms. Smith asked about the intent behind the tradeoff between open space and density. Mr. Tolbert said the PUD meets the code. Many developments have historically done what this PUD is doing. The code does not require 15% open space to be all in one place. Ms. Smith asked if the open space is supposed to be useable. Mr. Tolbert said our code does not stipulate this. Ms. Smith said this is a lost opportunity to create open space in honor of a rare commodity. Mr. Huja said that is not the intent of open space.

Mr. Taylor clarified that regarding the density exchange, they are only changing the lot width with the PUD.

On motion by Ms. Szakos, seconded by Ms. Galvin, the ordinance carried. Ms. Galvin said this is close to trails, connected, and walkable, and shows smart growth strategy, which is why she supports it.

RESOLUTION: Financial Assistance Program - Stormwater Utility Fee

Financial Assistance Program - Stormwater Utility Fee

Mr. Brown presented to Council. This is in response to a request from Council to evaluate offering financial assistance for the stormwater utility fee. This resolution embodies the discussion Councilors had in December. The bill has been passed on by the Senate Committee regarding church on non-profit relief, so that is not a requirement.

Ms. Szakos said CHAP requires no real estate tax relief and wants to make sure that we say "with the exception of #3", because they will have at that point received relief from their taxes. Mr. Brown said this would not be a problem; anyone can get relief from the stormwater and either CHAP or the Elderly and Disabled. He will add "for the elderly and disabled" to provide further clarification.

In response to an inquiry from Ms. Smith, Mr. Brown clarified that it is a requirement for both programs that you reside within the property as your sole dwelling.

Ms. Smith clarified that this money comes from the General Fund. Mr. Brown said the money would go straight from the General Fund to the Stormwater Fund. No one would actually receive money. Council may want to monitor this program.

Mr. Fenwick said there is talk the state will postpone this program for two to three years. Mr. Brown said this is a voluntary program. The City has mandates it has to meet that require revenue, and this is a way the City generates that revenue.

Ms. Szakos moved to pass the resolution with the added CHAP language change. Ms. Smith seconded. The resolution passed unanimously. (Ayes: Ms. Smith, Mr. Huja, Ms. Szakos, Ms. Galvin, Mr. Fenwick; Noes: None.)

RESOLUTION: Emmet Street/Route 29 Signal Synchronization

Emmet Street/Route 29 Signal Synchronization

Mr. Tolbert presented to Council. He gave an overview of the history of the project. VDOT agreed to coordinate with the City while doing the County project. Also, staff confirmed that the City would not be putting any money into the Best Buy ramp project as part of this effort. Mr. Tolbert requested adding a bullet to the resolution saying "Others as determined to be necessary".

Ms. Smith asked if this will help Rugby Road. Mr. Tolbert said this is too far from the project, which is intended to give flow to Barracks and Emmet Street.

Mr. Fenwick said it sounds like it will make the feeders back up even worse. Mr. Tolbert said if this works like it should, that will not be the case. This technology has been working at Pantops. Ms. Szakos said this is a proven technology.

On motion by Ms. Szakos, seconded by Ms. Galvin, the resolution passed unanimously. (Ayes: Ms. Smith, Mr. Huja, Ms. Szakos, Ms. Galvin, Mr. Fenwick; Noes: None.)

Ms. Szakos clarified that this is a state matching grant program, not County/City revenue sharing.

OTHER BUSINESS

Mr. Fenwick confirmed the mall brick replacement is on our next Council agenda.

MATTERS BY THE PUBLIC

Ms. Nakyah Walker, City resident, showed Council the flyer residents from the meeting received. Ms. Szakos said this flyer was not distributed by the City. Ms. Walker said the

residents are not getting factual information, and they are not receiving communication. Friendship Court does not have an advisory board or an active community center. She offered her door-to-door services on a volunteer basis.

Mr. Scott Bandy, Cherry Ave., thanked Ms. Rebecca Quinn for requesting the closed session topics be included on the agenda. He said it looks like there is electronic communication going on between audience members and Councilors during the meeting, and this is concerning. He thanked Ms. Galvin for her input concerning the small area plans.

Ms. Rebecca Quinn, 104 4th Street, thanked Council for identifying the closed session topics as requested. She thanked them for agreeing to a ten-month review on cafes being allowed to keep their chairs outside.

COUNCIL RESPONSE

Ms. Galvin asked Mr. Jones if staff can meet with PHA to open a dialogue regarding the many different kinds of communication. This is creating confusion for the residents, and we should explore streamlining information. Ms. Szakos asked staff to take Ms. Walker up on her offer to go door-to-door.

Ms. Galvin said she was not actively communicating with email during the meeting. Ms. Szakos said she was not either.

Meeting adjourned.